

REMARKS

Upon entry of the present Amendment-D the claims in the application are claims 1, 2, 4-10 and 13-15, of which claims 1, 4, and 5 are independent and claims 4-9 are allowed. Claim 1 is amended herein. The applicant respectfully submits that the amendments to the claims are fully supported by the original disclosure, including the drawings. The applicant also respectfully submits that no new matter has been added to the application in these amendments.

The applicant thanks the Examiner for his helpful remarks during a telephone interview held on January 4, 2006. During this interview, the rejection of claim 1 was discussed with respect to Baba. In particular, the applicant's representative presented the argument that the calculation of an average signal value as disclosed by Baba does not anticipate the claimed feature in which the posture detector monitors a pattern of signal output from the plurality of sensors on the seat back, and estimates the occupant's posture based on a profile of this pattern. The Examiner maintained his rejection, stating that the last two sentences of claim 1 include functional language, and that Baba is capable of performing this function. In addition, the Examiner interprets the term "profile" of the pattern to correspond to a "set of data", and thus is anticipated by Baba.

In response, the applicant proposed an amendment to claim 1 for the Examiner's consideration in which the posture detector monitors a pattern of signal output from the plurality of sensors on the seat back by comparing output of each sensor with that of the remaining sensors, and estimates the occupant's posture based on a profile of this pattern. After consideration, the Examiner indicated that the proposed amendment to claim 1 would overcome rejection in view of the cited reference. However, the Examiner further indicated that a response

including the above amendment should be accompanied by a Request for Continued Examination (RCE) since additional search will be required.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In the Claims

Allowable Subject Matter

The applicant gratefully acknowledges the Examiner's indication at item 4 of the Office Action that claims 4-9 are allowed.

Claim Rejections — 35 USC 102

At item 2 of the Office Action, the Examiner rejected claims 1-2, 10, and 13-15 under 35 USC 102(b) as anticipated by Baba et al. (US 6,684,973).

With respect to claims 1-2, the Examiner states that Baba discloses a side airbag system including a side airbag 7, a posture detector (4-7) which determines the posture of the occupant, a weight detector (2) which measures the weight (V_{LOAD}) of the occupant, and a deployment controller which controls deployment of the airbag based on the posture and weight of the occupant, wherein the posture detector includes a plurality of sensors (3-6 to 3-10) disposed on the seat back of a vehicle seat, the posture detector monitoring a pattern of signal output from the plurality of sensors, and the deployment controller (4) allows the deployment of the airbag irrespective of the posture of the occupant (Fig. 6, cols. 5-6) when the weight measured by the detector exceeds a

threshold value ($V_{LOADREFI}$).

Applicant's Response

Upon review of Baba, the applicant finds that an occupant detecting apparatus is disclosed which includes a load sensor 2 positioned between the seat and the vehicle floor, a plurality of antenna electrodes positioned along the seat cushion, a plurality of antenna electrodes positioned along the seat back, and a controller 4. Baba discloses using the occupant detecting apparatus to control deployment of an airbag 7 (Baba discloses a side airbag in the embodiment of Fig. 13).

As regards claim 1, the applicant respectfully disagrees that Baba anticipates the invention claimed by the applicant since Baba does not disclose every claimed feature of the invention. In particular, the applicant disagrees that Baba discloses a posture detector that monitors a pattern of signal output from the plurality of sensors on the seat back, and estimates the occupant's posture based on the profile of this pattern, as claimed. Although Baba monitors the signal output from each of the plural sensors, Baba does not disclose monitoring a pattern, as claimed. Nor does Baba disclose estimation of the posture based on a profile of this pattern. Rather, Baba calculates an average of the signals from the seat back, and determines whether the average is low, medium, or high.

In addition, as stated in a previous letter, Baba does not disclose a side airbag unit associated with the occupant detecting apparatus of Figure 2, which includes the plural antenna electrodes positioned along the seat cushion, and the plural antenna electrodes positioned along the seat back. Figure 2 of Baba relates to a front airbag. Although Baba does disclose a side airbag 7' in the third embodiment (Fig. 13), the third embodiment does not disclose plural antenna electrodes positioned along the seat back.

Although the applicant disagrees with the rejection as discussed above, in order to promote the prosecution of the application, the applicant has amended claim 1 herein to recite that the posture detector monitors a pattern of signal output from the plurality of sensors on the seat back by comparing output of each sensor with the remaining sensors, and estimates the occupant's posture based on a profile of this pattern. This limitation is fully supported in the original specification at paragraphs 40-43. No new matter is added by this amendment. Baba does not disclose a comparison of the output of each sensor with the remaining sensors, since Baba merely discloses calculation of the average signal output. By the present amendment, the above described base of rejection as set forth in the Office Action has been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

As regards claim 2, the Examiner states that Baba permits deployment of the airbag when the detected weight exceeds a threshold value, regardless of the posture of the occupant. The applicant disagrees with the rejection of claim 2 for the reasons stated above with respect to the deficiencies of Baba as applied to claim 1 as amended herein.

As regards claim 10, the Examiner states that the invention disclosed by Baba permits discrimination between short and tall (small and large) occupants. The applicant disagrees with the rejection of claim 10 for the reasons stated above with respect to the deficiencies of Baba as applied to claim 1 as amended herein.

As regards claims 13-15, the Examiner states that Baba discloses categorizing posture and weight, and controlling the airbag based on the output of the category of the posture or weight. The applicant disagrees with the rejection of claims 13-15 for the reasons stated above with respect to the deficiencies of Baba as applied to claim 1 as amended herein.

Conclusion

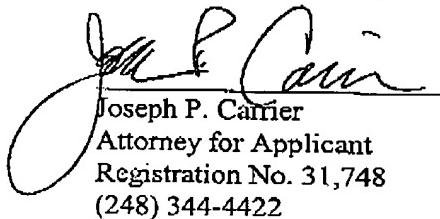
In conclusion, applicant has overcome the Examiner's rejection of claims 1-2, 10, and 13-15 as presented in the Office Action; the Examiner has indicated claims 4-9 are allowed; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the presently amended claims is clearly patentably distinct thereover.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted via facsimile transmission to the US Patent & Trademark Office, Art Unit 3616, on February 20, 2006.

JPC/knm